

REMARKS

I. Preliminary Matters

In the Action dated December 11, 2007, the Office Action Summary sheet indicates that claims 2, 69-76 and 80 are pending in the application.

The Office Action Summary sheet does not mention claim 68, which is directed to the elected invention. In the body of the Action, the Examiner states that claim 68 is directed to an allowable product and therefore it appears that the Examiner recognizes that claim 68 is pending and the Examiner considers claim 68 to be allowable. Applicants respectfully request clarification regarding claim 68 for the record in the next Action.

II. Claim Amendments

Claims 2, 73, 76 and 80 are canceled herein.

Claims 69 and 74 are amended herein by deleting the phrase “or a prodrug thereof”.

Claims 72, 74 and 75 are amended herein by deleting the phrase “prevention and/or”.

No new matter is presented.

III. Election/Restrictions

In paragraph 9 of the Office Action, the Examiner has indicated that claim 68 is directed to an allowable product as mentioned above. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 69-75 and 80, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability in accordance with the provisions of 37 C.F.R. § 1.104.

IV. Claim Rejections under 35 U.S.C. § 112, 1st Paragraph

In paragraph 10 of the Office Action, the Examiner has indicated that claims 2, 69-76 and 80 are rejected under 35 U.S.C. § 112, first paragraph, allegedly because the specification, while being enabling for compounds, compositions, and treating disease, does not reasonably provide enablement for polymorphs, or “preventing” diseases.

Applicants note that the Examiner refers to “polymorphs” but the claims do not recite “polymorphs”.

Claims 2, 73, 76 and 80 are canceled herein, thereby rendering the rejection as to these claims moot.

Claims 69 and 74 are amended herein by deleting the phrase “or a prodrug thereof”, thereby obviating the rejection as to these claims.

Claims 72, 74 and 75 are amended herein by deleting the phrase “prevention and/or”, thereby obviating the rejection as to these claims.

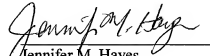
Applicants note that the Examiner refers to “polymorphs” but Applicants note that Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 112, 1st paragraph.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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